

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 202003755	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 9:00 PM	Location of Incident: Flatbush Avenue Extension and Concord Street	Precinct: 84	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/01/2020 2:50 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/01/2020 2:50 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	
B. Officers	Abuse: Officers stopped § 87(2)(b)	
C. An officer	Force: An officer used physical force against § 87(2)(b)	
D. An officer	Force: An officer used physical force against § 87(2)(b)	

Case Summary

On June 1, 2020, § 87(2)(b) filed this complaint with the CCRB via the website on behalf of herself and her husband, § 87(2)(b).

On May 30, 2020, at approximately 9:00 p.m., on the median in Flatbush Avenue Extension where it intersects with Concord Street in Brooklyn, § 87(2)(b) and § 87(2)(b) were near the front of a group of approximately 150 protestors. Approximately 20 officers prevented the group from going forward and ordered them to go back in the direction from which they had come. (Allegations A and B: Abuse of Authority, § 87(2)(g)) § 87(2)(b) and § 87(2)(b) were prodded in their backs with asp's by some of the officers when the group was deemed slow to comply. (Allegations C and D: Force, § 87(2)(g))

No video evidence was recovered for this case.

No arrests were made, nor summonses issued as a result of this incident.

Pleading Language for All Allegations to be Closed as § 87(2)(g)

Allegation (A) Abuse of Authority: Officers stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Officers stopped § 87(2)(b)

Allegation (C) Force: An officer used physical force against § 87(2)(b)

Allegation (D) Force: An officer used physical force against § 87(2)(b)

Known Facts and General Descriptions

During her interview on June 5, 2020, § 87(2)(b) stated that she was unable to describe the officers. She did not recall whether the officers had body-worn-cameras. There were numerous police vehicles in the area, but § 87(2)(b) did not recall specifics about the vehicles.

During § 87(2)(b)'s interview on June 23, 2020, he stated he did not recall biographical details about the officers.

Neither § 87(2)(b) nor § 87(2)(b) provided civilian video evidence.

On June 11, 2020, searches for local, private surveillance cameras yielded negative results.

On June 11, 2020, searches for TARU cameras in the area returned negative results. Search results for handheld TARU cameras are outstanding.

BWC

On June 22, 2020, NYPD Legal stated that searches for Body-Worn Camera footage of the incident, conducted by the time and date, returned negative results. The searches included the 84th Precinct, Critical Response Command (CRC), Counter-terrorism, and all Strategic Response Group (SRG) units.

NYPD Documents Reviewed

The 84th Precinct stated in response to CCRB document requests that no post-event memoranda nor unusual event reports were prepared for May 30, 2020.

Patrol Borough Brooklyn North duty rosters for May 30, 2020 list Sgt. Dario Estevez, of PSA 2, as the supervising officer assigned to the area encompassing the incident location.

None of Sgt. Estevez's memo book entries from May 30, 2020 are relevant to this incident, nor do they place him nearby.

The investigation determined that due to the large group nature of this interaction, the lack of specific police-civilian interaction, that no UF-61s, TRIs, or AIDEDs would have been generated for this incident.

Concurrent Investigations

This complaint was filed directly with the CCRB. The investigation did not become aware of any concurrent investigations.

Ranking Officers

Sgt. Dario Estevez (PSA 2, shield 3162) is highest-ranking officer known to have been assigned to the scene.

Officers Interviewed

The investigation interviewed Sgt. Estevez on October 19, 2020.

During his interview, Sgt. Estevez confirmed that on May 30, 2020, he was assigned as the supervising officer of the area in which the incident occurred. He stated that when he arrived in that area, approximately 90 minutes before the alleged incident time, a Captain gave him a direct order to relocate with the officers he was supervising to a position South-East of his initially assigned location. Sgt. Estevez stated he obeyed the order and left his previously assigned post. He stated he did not know the Captain, could not recall their description, and neither knew then nor became aware later which officers were assigned to cover the incident area in his absence. He stated there were “about a thousand” cops in that overall part of Brooklyn and that there were numerous Captains in the area giving real-time orders.

Sgt. Estevez could not have witnessed the incident from the area to which the Captain ordered him.

Allegation Recitation and Dispositions

§ 87(2)(g)

Allegation (A) Abuse of Authority: Officers stopped § 87(2)(b)

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Allegation (D) Force: An officer used physical force against § 87(2)(b)

Squad No.: 9

Investigator:	<u>Christopher Olmsted</u>	<u>Inv. Christopher Olmsted</u>	<u>10/22/20</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>11/17/2020</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date